


discriminatory conduct until January 3, 2007. Id. ¶ 11. Plaintiff attached an EEOC notice-of-right-to-sue-letter to his original complaint. Compl., Attach. The notice, dated January 22, 2007, indicates that the EEOC closed its file on plaintiff's charge because it was not timely filed. Id. Thus, liberally construed, the complaint and amended complaint demonstrate that plaintiff failed to file a timely EEOC charge. Accordingly, the amended complaint is time-barred and the action is dismissed. See 42 U.S.C. § 2000e-5(f)(1).

UPS's motion to dismiss is GRANTED. UPS filed a motion to strike exhibits to plaintiff's response to defendant's motion to dismiss. The court has reviewed plaintiff's exhibits, which are mostly irrelevant and in any event do not tend to show that plaintiff timely filed his EEOC charge. Thus, the motion to strike is DENIED.

SO ORDERED. This 28 day of September 2007.


JAMES C. DEVER III
United States District Judge